

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1355**

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**Introduced by Senator Wright**

February 19, 2010

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An act to add Section 4007.5 to the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 1355, as amended, Wright. Child support: suspension of support order.

Existing law provides that if a court orders a person to make payments for child support until the occurrence of a specified event, the obligation of the person ordered to pay support terminates on the happening of the contingency.

This bill would provide that the obligation of a person ~~ordered~~ to pay child support *pursuant to an order that is being enforced under Title IV-D of the Social Security Act* is suspended for the period of time in which the ~~person ordered to pay support~~ *obligor* is incarcerated or *involuntarily* institutionalized, with a specified exception. *The bill would require that, upon the release of the obligor, the obligation to pay child support immediately resume in the amount specified in the child support order prior to the suspension of that obligation.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4007.5 is added to the Family Code, to  
2     read:

1 4007.5. (a) Every money judgment or order for support of a  
2 child *that is being enforced under Title IV-D of the Social Security*  
3 *Act (42 U.S.C. Sec. 651 et seq.)* shall provide that the obligation  
4 of the person ordered to pay support shall be suspended for any  
5 period exceeding 30 consecutive days in which the person ordered  
6 to pay support is incarcerated or *involuntarily* institutionalized.

7 *(b) Upon the release of the obligor from a period of*  
8 *incarceration or involuntary institutionalization, the obligation to*  
9 *pay child support shall immediately resume in the amount specified*  
10 *in the child support order prior to the suspension of that obligation.*

11 ~~(b)~~

12 (c) Notwithstanding subdivision (a), the court may continue the  
13 obligation of the person ordered to pay support of a child during  
14 a period in which the person ordered to pay support is incarcerated  
15 or *involuntarily* institutionalized upon the request of the person to  
16 whom the support payments are to be made, and upon a finding  
17 that the obligor has the means to pay support while incarcerated  
18 or *involuntarily* institutionalized.

19 ~~(e)~~

20 (d) For purposes of this section, “incarcerated or *involuntarily*  
21 *institutionalized*” includes, but is not limited to, involuntary  
22 confinement to a state prison, county jail, juvenile facility operated  
23 by the Division of Juvenile Facilities in the Department of  
24 Corrections and Rehabilitation, or a mental health facility.

25 (e) *For purposes of this section, “suspend” means that the child*  
26 *support order is modified and set to zero dollars (\$0) for the period*  
27 *in which the obligor is incarcerated or involuntarily*  
28 *institutionalized.*